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SUBJECT: LEBANON: ELECTION LAW DRAFT GOES TO PARLIAMENT  
WITH SOME, NOT ALL, REFORMS INTACT

SUMMARY

1. (SBU) IFES officials briefed PolOff on last minute changes to the draft electoral law submitted by the Parliament's Administration and Justice Committee to Parliament Speaker Nabih Berri on September 24. The draft law states that elections should take place in one day but notes that elections could occur on two days for "security reasons." In addition, the draft law allows for certain civil society groups to participate in monitoring the elections, but does not mention allowing international observers. IFES officials thought an EU mission would probably be allowed in, while any U.S. mission would not.

2. (SBU) The Committee did not offer a recommendation on the issue of reducing the voter age from 21 to 18 and allowing municipal mayors to run for parliament without having to wait for a two year period before running to become an MP, instead wanting parliament to make its own decision on these items. Out-of-country voting will have to wait until the 2013 parliamentary elections, according to the Committee. In addition, the following recommendations made it into the draft law: creation of an supervisory body to monitor candidates' campaigns; pre-printed ballots; campaign finance and media regulations; and use of ID cards or passports for voting. The parliament will begin considering the draft law on September 27. End Summary.

SUPERVISORY COMMISSION ON  
ELECTION CAMPAIGNING

3. (SBU) In a September 25 meeting, International Foundation for Electoral Systems (IFES) Researcher Chantal Sarkis and Policy Analyst Karma Ekmekji briefed PolOff on last minute changes to the draft electoral law which was submitted to Parliament on September 24. Concerning the establishment of an Independent Election Commission (IEC), Sarkis said the draft law calls for the creation of a Supervisory Commission on Election Campaigning (SCEC). The SCEC would focus on regulating candidates' campaigns, as opposed to facilitating

the entire election which would have been the role of an IEC.

The overall coordination responsibility will remain with the Ministry of Interior.

14. (SBU) Sarkis noted that Minister of Interior Ziyad Baroud asked that the Committee add a requirement that the Supervisor Commission regulate the dissemination of electoral polling information. According to Sarkis, Baroud wants the SCEC to establish guidelines for how polls are conducted and how they are reported in the media. Baroud also wants a deadline to be set beyond which polling information could not be publicized. Baroud also asked that a clause requiring the SCEC to provide voter education, be removed from the text, instead placing the responsibility in the hands of the Ministry of Interior.

15. (SBU) The Independent Electoral Commission was supposed to be headed by the Minister of Interior. Baroud asked that a retired appellate judge head the Supervisory Commission, Sarkis added. The rest of the commission would be composed of two additional retired judges, three former heads of Beirut and Tripoli Bar Associations, two media experts and three "senior experts in election-related matters." The Minister will be allowed to attend meetings but will not vote. Decisions will be made by an absolute majority and the cabinet is required to appoint commission members within thirty days of the law's passage.

ONE DAY ELECTIONS,  
NOT LIKELY

16. (SBU) According to Sarkis, the draft law would require that elections be held on one day countrywide (past elections have been held on four consecutive weekends). However, the draft law also includes a caveat that the cabinet can decide to hold elections over two days for "security reasons." Sarkis noted that "security reasons," could range from an large scale outbreak of violence to a lack of resources on the parts of the Internal Security Forces (ISF) or the Lebanese Armed forces (LAF) to provide security for the over five thousand polling stations. Sarkis said one-day elections would be key for fair elections to occur and urged the USG to persuade GOL security agencies to come up with a plan to provide security. (Comment. The head of the ISF has told us that he does not have sufficient personnel for one-day elections for all of the ISF's responsibilities, which include guarding ballot boxes. By contrast, the Defense Minister has told us it can be done, with the LAF assisting the ISF with security duties. End comment.)

RIGHTS OF OBSERVERS

17. (SBU) Only civil society groups that have been active in election observation for at least three years can apply for accreditation to observe the 2009 elections. However, there is ambiguity about the participation of international observers. Sarkis noted that the cabinet will have to approve international monitoring missions, as their presence is considered a matter of national sovereignty. The EU has already notified Baroud that it wants to send a monitoring mission to Lebanon, and the cabinet likely will approve that.

The GOL is in need of EU funding to help facilitate the elections and the EU sent a mission to Lebanon in 2005, according to Sarkis. She said it would be unlikely for the cabinet to approve any U.S. observation missions, noting that the March 8/Aoun opposition would try to block such a request.

MAYORS RUNNING FOR  
PARLIAMENTARY ELECTIONS?

18. (SBU) The controversial issue of whether municipal mayors can run for parliament was not addressed in the draft law. The current law states that municipal officials and mayors must have been out of those positions for a minimum of two years before running for parliament, Ekmekji said. A waiting

period is also placed on other public officials, but the wait time is less than six months.

¶9. (SBU) Sarkis said the Committee wants parliament to decide whether or not to include this provision. Sarkis noted that Christian opposition leader Michel Aoun has said he would boycott the national dialogue sessions if this rule was amended. Aoun opposes this reform because popular March 14 mayors would pose a challenge to some of his MPs currently representing key districts in parliament, Sarkis said. In addition, at least one March 14 leader, Samir Geagea (Lebanese Forces) is thought to oppose this measure because one of his MPs would be challenged, and likely defeated, by a popular current mayor.

¶10. (SBU) Baroud publicly criticized the existing restriction in the press on September 25, saying that such a clause was discriminatory, and if maintained, should apply to cabinet ministers as well.

#### PRE-PRINTED BALLOTS

¶11. (SBU) In a significant change from current practice, the law calls for pre-printed ballots. Ballots will be designed and printed by the Ministry of Interior and will show the names and photographs of candidates running in each district. Ballot papers will allow candidates to be included in a "list." As lists can be organized as late as thirty days before an election, the Ministry of Interior will have a 30 day time-frame for the printing of ballots. Ballot papers will be placed into transparent ballot boxes, and voters' fingers will be marked with indelible ink and voting to prevent fraud.

¶12. (SBU) Candidates would also be required to nominate themselves sixty days before an election, and can withdraw their names 45 days before election day. Candidates can also choose to be included in a party list no later than 30 days before election. Sarkis said this would be good requirement because it would ban politicians from forming last minute alliances.

¶13. (SBU) Sarkis noted that most of the political parties have already asked the Ministry of Interior for copies of the ballots ahead of time to distribute to their constituents in order to "train" them on completing the new ballot. The Ministry has refused and if this provision of the law is approved, Lebanese voters will not see their ballots until they enter the voting booth to cast their vote, according to Sarkis. (Note: In past elections parties distributed to voters ballots with their lists as they entered the polling stations. The voter would take the completed list from the person outside the polling station identified with a certain party he or she favored, and would deposit the list in the voting box. End Note.)

#### OUT-OF-COUNTRY VOTING, NOT THIS ELECTION

¶14. (SBU) The draft law recommends that out-of-country voting take place in 2013, rather than 2009, and dodged the issue of reducing the voter age from 21 to 18, instead stating that voters must meet the voting age as it is in the Constitution. (Note: Unless there is a change to the Constitution, the voting age will stay at 21. End Note.) Therefore, the voting age will remain 21 for the 2009 elections, unless the parliament chooses to amend the Constitution to allow voting at 18.

¶15. (SBU) Sarkis said in some swing key districts where the confessional balance is mixed between Shia and Christian voters, reducing the voter age would benefit the March 8/Aoun alliance, because younger Shia voters would supposedly back Aoun. However, in predominantly Christian districts, reducing the voter age may benefit March 14, because, according to Sarkis, the majority of younger Christian voters

tend to support Samir Geagea's Lebanese Forces (LF) over Aoun's Free Patriotic Movement (FPM). Sarkis noted that in the university elections (an important political indicator in Lebanon), LF candidates beat out their FPM rivals by significant margins.

#### CAMPAIGN FINANCE AND MEDIA REGULATIONS

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¶16. (SBU) Sarkis added that candidates will be required to open a "campaign bank account." In addition, there will be restrictions on funding sources, restrictions on items of expenditure, and a requirement to report their accounts to the Supervisor Committee. Candidates will have the right to spend around \$100,000, plus \$2 per voter in their district. Media outlets will be required to provide equitable access to candidates and there will be restrictions on "media endorsements" of candidates and a prohibition of hate speech. The SCEC will monitor compliance with the regulations and has the power to refer a case to the Court, which could issue a fine, suspend broadcasting or even close an outlet.

#### MINISTERIAL BICKERING AT CABINET MEETING

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¶17. (SBU) Minister of State Wael Abu Faour told us that during the September 25 cabinet session a heated debate took place, as Minister Ibrahim Shameseddin expressed his opposition to the electoral law that will be discussed in parliament on September 27. Shameseddin argued that the GOL was not involved in the preparation of the draft law and, thus, cannot defend its position in parliament. According to Abu Faour, SSNP minister Ali Qanso expressed a similar position.

#### COMMENT

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¶18. (SBU) Parliament is expected to take up the issue of the draft electoral law on September 27. A number of contacts tell us that a vote on the law will most likely occur on Monday, September 29, as Speaker Berri has indicated that he wants the new law voted on and passed before the Eid. We do not expect some of the more controversial issues to make it into the law that is passed, such as out-of-country voting, lowering the voter age, and decreasing the wait period for municipal mayors. In addition, the mandate for one-day voting seems unlikely to pass due to a lack of resources within the Ministry of Interior and its inability to provide security. It is encouraging that some issues, such as the creation of the SCEC, allowing voters to show their ID cards and passports to vote, and pre-printed ballot papers have a good chance of making it into the law, as do a number of the reforms regulating campaign spending and the media. However, we expect parliament to water down several of these articles before approving it.

¶19. (SBU) From a political standpoint, it appears that each of the two blocs got some of what they wanted in the draft law. It is a hopeful sign that the Committee was actually able to finish its work by its deadline and produce a draft for parliament to consider. Now there will be pressure for parliament to approve a law by the Eid deadline and not disrupt the prevailing positive political atmosphere by postponing action on the electoral law, the last remaining item from the Doha Accord. For that reason, we would expect that key controversial measures will not be changed now, but will be left for consideration at another time. End Comment.

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